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Attorneys for Petitioner, TEAMSTERS LOCAL 517

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

FRY'S ELECTRONICS,

Employer,

v.

TEAMSTERS LOCAL 517,
INTERNATIONAL BROTHERHOOD OF
TEAMSTERS

Petitioner,

Case No. 32-RC-135431

**STATEMENT OF THE UNION IN
OPPOSITION TO EMPLOYER
REQUEST FOR REVIEW OF
REGIONAL DIRECTOR DECISION
TO HOLD ELECTION IN
ABEYANCE**

Petitioner TEAMSTERS LOCAL 517 (hereafter, "Petitioner" or "Union") hereby opposes the Employer's Request for Review of Regional Director's Direction to Hold Election in Abeyance filed on November 6, 2014. The Employer seeks to have the election in this matter proceed as soon as possible notwithstanding unfair labor practice charges filed by the Union that have blocked the election. Allowing the election to proceed before the unfair practice charges have been completely investigated and resolved would be improper for the reasons that follow.


The Employer argues that "First and foremost, the Petitioner's allegations in the ULP lack factual foundation." Nothing could be further from the truth. Before deciding whether to block the election or not the Regional Director sought an offer of proof from

the Union regarding its charge. The Union did so. It has produced evidence that two individuals *that the Employer contends are statutory supervisors* circulated petitions among employees, in work areas and on company time, signifying that the employees did not want union representation. They wrote down the names of anyone who refused to sign. These individuals also went to a Union meeting off company premises and told employees not to attend the meeting. They went into the meeting, creating the impression of surveillance.

If true, there is no question that such conduct would be considered a serious and substantial violation of Section 8(a)(1) of the Act. The Union respectfully submits that the Employer's request to proceed with the election be denied and the charge be processed and investigated in due course.

Dated: November 10, 2014

BEESON, TAYER & BODINE, APC

By: 
JOHN PROVOST
Attorneys for Petitioner Teamsters Local 517

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SACRAMENTO

I declare that I am employed in the County of Sacramento, State of California. I am over the age of eighteen (18) years and not a party to this action. My business address is 520 Capitol Mall, Suite 300, California, 95814. On November 10, 2014, I served the following document(s):

STATEMENT OF THE UNION IN OPPOSITION TO EMPLOYER REQUEST FOR REVIEW OF REGIONAL DIRECTOR DECISION TO HOLD ELECTION IN ABEYANCE

By Mail to the parties in this action, as addressed below, in accordance with Code of Civil Procedure §1013(a), by placing a true and correct copy thereof enclosed in a sealed envelope in a designated area for outgoing mail. At Beeson, Tayer & Bodine, mail placed in that designated area is given the correct amount of postage and is deposited that same day, in the ordinary course of business in a United States mailbox in the City of Sacramento, California.

AND

By Electronic Service to the parties in this action, at the electronic notification address(es) below. Within a reasonable time after the transmission, no electronic message or other indication that the transmission was unsuccessful was received.

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I declare under penalty of perjury that the foregoing is true and correct. Executed in Sacramento, California, on November 10, 2014.



Nona Danyeur Mounir